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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN YAN LUIS, on behalf of himself and all :  
others similarly situated, :  
 :  
 :  
Plaintiff, : 22-CV-5020 (VEC)  
-against- :  
 :  
 :  
THE HARLEM CANDLE COMPANY, INC., :  
 :  
 :  
 :  
Defendant. :  
-----X

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff's Complaint was filed on June 15, 2022, Dkt. 1;

WHEREAS pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff must effectuate service of process within ninety days of the filing of the Complaint;

WHEREAS no affidavit of service has been filed, and the Defendant has not appeared;

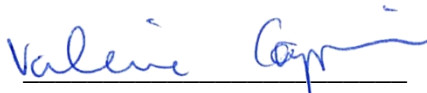
WHEREAS on October 7, 2022, the court ordered Plaintiff to show cause, no later than October 14, 2022, why this action should not be dismissed without prejudice for failure to serve, Dkt. 6; and

WHEREAS Plaintiff did not show cause by the deadline.

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice for failure to serve pursuant to Rule 4(m). The Clerk of Court is respectfully directed to terminate any open motions and to close the case.

**SO ORDERED.**

**Date: October 17, 2022**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**